

Key: * state participated in FACA

Active effort

Assumed Program

State/Tribe	Date of Inquiry & Objective/Goal	Current Program	Status and next steps	EPA efforts to date
AK*	Inquiry ended in 2015	none	None- AK economics need to improve	Worked with the state on how they could design a program
AZ*	current	none	<ul style="list-style-type: none"> Legislation passed senate; hearings in House ongoing Stakeholder meeting held –12/4/17 Looking to set up face to face 	<ul style="list-style-type: none"> Bi-weekly calls Provided initial feedback on draft legislation
IN	Current -legislation proposal in 1/2019; assumption in 20202		<ul style="list-style-type: none"> regular calls established 	<ul style="list-style-type: none"> Calls and providing background information
FL	Active effort; goal is to be issuing 404 permits by 12/18	<ul style="list-style-type: none"> ERP - State permitting program SPGP 	<ul style="list-style-type: none"> FL submitted bill 12/29 Drafting MOAs and revising regs Next face to face 2/27-3/1 FDEP and constituents want EPA to conduct ESA section 7 consultation on permits we review – inconsistent with EPA position and statutory timeframes for review. USACE is saying they need 30+ staff from FL to help with navigability studies before they can provide list of retained waters. 	<ul style="list-style-type: none"> Face to face meetings every 2-3 months biweekly calls EPA facilitated meetings with outside entities (USFWS, tribes) Outstanding issues: Section 7 consultation on state permits; assumable waters; Simple negligence standard
MD*	Hear they may be interested again. Last effort concluded 2016	<ul style="list-style-type: none"> State permit program SPGP 	<ul style="list-style-type: none"> On hold > 2018 election. Sec of MDEP, Ben Grumbles, speaking on assumption at meetings 	<ul style="list-style-type: none"> Worked with state to review statutory gaps/potential fixes

MI*	Assumed 1984	404(g)	<ul style="list-style-type: none"> AL-18-000-1509 - Gov ltr requesting EPA reconsider (14) PA98 denials AX-18-000-1925 Env. Group requesting EPA not reconsider PA98 denials 	<ul style="list-style-type: none"> Letters reassigned to R5 for response.
			<ul style="list-style-type: none"> CR 595 lawsuit 	<ul style="list-style-type: none"> Oral Arguments 12/9/17; procedural
			<ul style="list-style-type: none"> Menominee lawsuit filed re EPA not fulfilling trust responsibilities and erroneously approving MI assumption of Menominee river upstream of several dams. 	<ul style="list-style-type: none"> Calls with Tribe regarding consultation on Aquilla back 40 permit 12/21 and in early Jan. Tribe wanted EPA to consult /discuss NOI issues Awaiting next steps from OGC/DOJ
			<ul style="list-style-type: none"> 98 petition to withdraw 	<ul style="list-style-type: none"> On hold, MI needs to finalize actions from 2008 review, PA 98 revisions and other legislative changes.
			<ul style="list-style-type: none"> Aquilla back 40 permit USFWS and USACE provided comments raising concerns. Objections were based upon: incomplete project description which lacks final plans – additional associated activities were not in the plan; river bank and mine pit integrity; ability to comply with WQ guidelines; insufficient alternatives analysis; impacts to wetlands not all calculated; T&E species long eared bat and sturgeon; trust responsibilities for cultural sites. 	<ul style="list-style-type: none"> 12/8 MI published application for Public comment EPA comments (including consideration of USFWS and USACE (and any potential tribal comments) due March 8, 2018. EPA sent letter to MI objecting to permit 3/8/18.
MN*	2015-2017 – feasibility study	State permit program	<p>None – awaiting changes in Federal funding and clarity on assumable waters</p> <p>Sent letter to St. Paul district 2/2/18</p>	<p>Worked with state providing input to their feasibility study</p>

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MO	2017		No action yet	Held conference call with state regarding requirements and process
MT	2015-2016 – legislative subcommittee inquiry	None – legislature did not take this up		Provided information, responded to inquiries, traveled to subcommittee hearing.
NE	DOT is making inquiries	None		
NH*		SPGP		
NJ*	Assumed 1994	404(g)		
SC	2016 effort			None, state was drafting package, never reached out to EPA or submitted package
OR*	Off and on for years. Most recent effort ceased in 2016	Statewide permit program	Need to resolve assumable waters issue, ESA challenges, and tribal issues	Worked with the state, funded facilitated discussions to identify an ESA approach; reviewed legislation and program for consistency with Act
VA*	2007 and 2012	Statewide permit program, and SPGP with USACE	None – will not assume until additional federal monies provided	Worked closely with the state on ensuring consistency
VT	Interested			State-regional meeting end of March
WY				
Fond du Lak Reservation*	Awaiting decisions on Assumable waters before engaging further			